

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EDWARD R. POINDEXTER,

Petitioner,

V.

ROBERT P. HOUSTON, Director of
Nebraska Department of Correctional
Services, and NEBRASKA BOARD
OF PAROLE,

Respondents.

4:10CV3109

MEMORANDUM AND ORDER

This matter is before the court on its own motion. On June 24, 2010, the Eighth Circuit Court of Appeals denied Petitioner's request to file a successive Petition for Writ of Habeas Corpus. (Filings [5](#), [6](#).) Petitioner subsequently filed a pleading in the Eighth Circuit Court of Appeals asking for an *en banc* review of the denial of his request to file a successive habeas application ([filing 9](#)). Petitioner also filed a motion in this court requesting that this action be stayed until such time as the Eighth Circuit reviewed its earlier findings ([filing 7](#)). The Eighth Circuit has since denied Petitioner's request for rehearing *en banc* (filings [11](#), [12](#)). Accordingly, dismissal of Petitioner's Petition for Writ of Habeas Corpus ([filing 1](#)) is proper at this time as it is an unauthorized successive petition.

IT IS ORDERED:

1. Petitioner's motion to stay ([filing 7](#)) is denied as moot;
2. Petitioner's Petition for Writ of Habeas Corpus ([filing 1](#)) is dismissed without prejudice;

3. A separate judgment will be entered in accordance with this memorandum and order.

August 20, 2010.

BY THE COURT:

Richard G. Kopf

United States District Judge